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-- CENTRAL INTELLIGENCE AGENCY ----------

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3.5(c)

(S/ DIST: 3 JANUARY 1984

COUNTRY: ARGENTINA

SUBJ: INDICATIONS THAT THE ARGENTINE GOVERNMENT WANTS TO PROCEED

CAREFULLY AND SLOWLY IN PROSECUTING ARMED FORCES PERSONNEL ACCUSED OF INVOLVEMENT IN DISAPPEARANCES DURING THE COUNTER-SUBVERSIVE CAMPAIGN OF THE 1970'S

3.3(b)(1)

2. IN MID-DECEMBER 1983, 3.3(b)(1)

THE COMMISSION ESTABLISHED BY PRESIDENT RAUL ((ALFONSIN)) TO DEAL WITH CASES OF PEOPLE WHO DISAPPEARED DURING THE COUNTERSUBVERSIVE CAMPAIGN OF THE 1970'S HAS BUT ONE PURPOSE: TO LIMIT THE NUMBER OF ALLEGATIONS INVOLVING THESE CASES WHICH ACTUALLY REACH 3.3(b)(1)

THE COURTS. THE COMMISSION, WHICH AROSE FROM AN IDEA OF RAUL ((BORRAS)), MINISTER OF DEFENSE, AND BRIGADIER GENERAL JORGE ((ARGUINDEGUI)), CHIEF OF STAFF OF THE ARMY, IS SUPPO/-GSED TO SELECT SOME CASES FOR PROSECUTION AND THEN LET

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THE GENERAL ISSUE OF DISAPPEARANCES FADE AWAY AFTER APPROXIMATELY 3.3(b)(1) SIX MONTHS. IN THIS WAY, THE GOVERNMENT HOPES TO REMOVE THE CONCERN OF JUNIOR AND MIDDLE-LEVEL OFFICERS ABOUT THE MANNER IN WHICH INVESTIGATIONS OF DISAPPEARANCES WILL AFFECT THE ARMED FORCES.

3.3(b)(1) 3. THE COMMISSION SHOULD REVIEW ALL DISAPPEARANCE-RELATED CASES SUBMITTED TO IT AND REFER A COMPARATIVELY FEW CASES ON TO THE CIVIL COURT SYSTEM.

3.3(b)(1) THE COMMISSION OUGHT TO SERVE ALSO AS A COUNTERBALANCE TO ANY ACTION CONCERNING DISAPPEARANCE CASES TAKEN BY JUDGES WHOM THE PRESIDENT CANNOT INFLUENCE. 3.3(b)(1) CARLOS ((ALCONADA)) ARAMBURU, MINISTER OF EDUCATION AND JUSTICE, AND LEFTIST MEMBERS OF THE GOVERNMENT AND OF THE GOVERNING RADICAL CIVIC UNION (UCR), HAVE BROUGHT PRESSURE ON ALFONSIN NOT TO CARRY THROUGH WITH THE COMMISSION ALONG THE LINES OF WHICH BORRAS AND ARGUINDEGUI CONCEIVED IT.

3.3(b)(1)

5. AS OF MID-DECEMBER, PRESIDENT ALFONSIN WANTED THE CIVILIAN COURT SYSTEM TO CARRY OUT A SLOWER AND MORE ORDERLY JUDICIAL PROCESS THAN SOME JUDGES INDICATED THEY INTENDED IN REGARD TO CHARGES AGAINST ARMED FORCES PERSONNEL ACCUSED OF EXCESSES DURING THE COUNTERSUBVERSIVE CAMPAIGN. ADDITIONALLY, HE DID NOT WANT TO SEE THE LEGAL PROCESS TURN INTO A WITCH HUNT. THE PRESIDENT INTENDED TO TRY TO SLOW DOWN SOME CIVILIAN JUDGES WHOM HE BELIEVED WERE PROCEEDING TOO FAST IN DISAPPEARANCE CASES. ALSO, HE DID NOT HAVE IN MIND AT THE TIME ANY SPECIFIC ACTIONS AGAINST FORMER PRESIDENT AND RETIRED ARMY GENERAL REYNALDO ((BIGNONE)).

6. (COMMENT:

3.3(b)(1)

A MAJOR PROBLEM FOR

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ALFONSIN IN REGARD TO THE DISAPPEARED ISSUE CONSISTS OF HIS NEED TO KEEP THE MATTER OUT OF CONGRESS. IF THE PRESIDENT CAN SUCCEED IN THIS, HE CAN CONTROL THE HANDLING OF THE ISSUE AND ITS RAMIFICATIONS.)

3.3(b)(1)

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WARNING: REPORT CLASS ~~S E C R E~~ T--WARNING NOTICE-INTELLIGENCE SOURCES OR METHODS INVOLVED--

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